

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
vs.) Case No.: 4:09-cr-96 RWS (MLM)
)
ANTHONY RIZZUTI,)
)
 Defendant.)

**DEFENDANT’S FIRST MOTION TO CONTINUE HEARING ON
SUPERVISED RELEASE CONDITIONS**

COMES NOW Defendant, Anthony Rizzuti, by and through counsel, and hereby moves this Court to continue the hearing to review his conditions of supervised release presently scheduled for February 12, 2016 to on or about Friday, February 25, 2016. In support of this motion, Defendant states as follows:

1. On January 25, 2016, the United States probation office filed a “Report of Offender Under Supervision.” Doc. Text #126.
2. Among other things, the report includes a section titled “Non-Compliance Summary.” This section details three alleged violations of supervised release, all of which seem to relate to Defendant’s employment. See id.
3. The report also includes a section titled “U.S. Probation Officer Action.”
4. Within this section, the United States probation office recommends “that Rizzuti not be granted permission to work in the dental field at this time.” Id.
5. This recommendation was signed by both Defendant’s probation officer and her

supervising probation officer.

6. Below the signatures of these officers is a section with three boxes. The box labeled “I agree with the recommendation of the Probation Officer” is marked. Id.

7. This Court signed this document just beneath the marked box and thereafter scheduled the instant hearing. See id.

8. These facts suggests this Court wishes to address Defendant’s employment status at his pending hearing.

9. Defendant, through counsel, wishes to address this matter too.

10. However, Defendant cannot meaningfully do so in the absence of prepared counsel.

11. Accordingly, Defendant files the instant motion to obtain a brief continuance to permit his counsel to adequately prepare for the hearing.

12. Defendant’s counsel could not prepare sooner for this hearing as a result of competing work obligations, in particular the preparation of (1) a sentencing memorandum and combined response and reply in United States v. Christopher Hager, 4:14-cr-392 AGF (E.D. MO 2014), (2) a motion to modify conditions of supervised release and subsequent response in United States v. Nathan Hiatt, 4:10-cr-578 AGF (E.D. MO 2010), and (3) motions due this coming week in United States v. Lashone Gates, 2:15-cr- 301 GAF (W.D. MO 2016), a child enticement case pending in the Western District of Missouri.

WHEREFORE, Defendant respectfully requests this Honorable Court continue the hearing presently scheduled for February 12, 2016 to on or about Friday, February 25, 2016.

Respectfully submitted,

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

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CERTIFICATE OF SERVICE

I hereby certify that on February 5, 2016, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Mr. Robert Livergood, assistant United States attorney.